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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,162	11/10/2000	Richard M. Onyon	FUSN 1-01008US0	4588
28554	7590	06/30/2005	EXAMINER	
VIERRA MAGEN MARCUS HARMON & DENIRO LLP 685 MARKET STREET, SUITE 540 SAN FRANCISCO, CA 94105				PATEL, HARESH N
ART UNIT		PAPER NUMBER		

2154

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b><i>Office Action Summary</i></b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/710,162	ONYON ET AL.
<b>Examiner</b>	<b>Art Unit</b>	
Haresh Patel	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 15 November 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-10,27-33 and 38 is/are pending in the application.  
4a) Of the above claim(s) 11-26 and 34-37 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-10,27-33 and 38 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 15 November 2004 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/15/2004.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

## DETAILED ACTION

1. Claims 1-10, 27-33 and 38 are presented for examination. Claims 11-26 and 34-37 are withdrawn.

### *Response to Arguments*

2. Applicant's arguments filed 11/15/2004 have been fully considered but they are not persuasive. Therefore, rejection of claims 1-10, 27-33 and 38 is maintained.

Applicant argues (1), “the cited reference, Hertzog et al. US 2003/0069874 A1, April 10, 2003 (Hereinafter Hertzog) does not disclose, teach, or suggest the applicant’s claimed invention that discloses a system where synchronization is accomplished by only transmitting difference information in a differencing transaction, the generic output of the application object is provided to a delta module, convert the data of each application in the device to a universal data format, the difference information is forwarded to the encryption and compression routines for output to the storage server in the form of a data package”. The examiner respectfully disagrees in response to applicant's arguments. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies, “a system where synchronization is accomplished by only transmitting difference information in a differencing transaction, the generic output of the application object is provided to a delta module, convert the data of each application in the device to a universal data format, the difference information is forwarded to the encryption and compression routines for output to the storage server in the form of a data package”, are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification

are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). What is claimed is, “transferring at least a portion of the media from the personal information space to the network coupled apparatus in a differencing transaction in response to a user request” (please see claim 1). Hertzog discloses limitations, transferring at least a portion of the media (e.g., figure 1, abstract) from the personal information space (e.g., col., 3, paragraph 46) to the network coupled apparatus (e.g., col., 3, paragraph 46) in a differencing transaction in response to a user request (e.g., col., 3, paragraphs 42 – 49). The claim is open-ended (comprising), and page 32, lines 13-16 of the specification, clearly states, “The many features and advantages of the present invention will be apparent to one of average skill in the art. All such features and advantages are intended to be within the scope of the invention as defined by the above specification and the following claims”. Since, applicant's claims contain broadly claimed subject matter, it clearly reads upon the examiner's interpretation of the claimed subject matter. Therefore, the rejection is maintained.

Applicant argues (2), “the cited reference, Hertzog does not disclose, teach, or suggest the applicant's claimed invention that discloses the digital media is mapped into a temporary, “universal” data structure, that is not dedicated to a particular proprietary application, by connecting to the application via any number of standard interfaces to gain access to the applications data and puts the data in a generic or universal data format to generate data packets for provision to the storage server”. The examiner respectfully disagrees in response to applicant's arguments. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies, “the digital media is mapped into a temporary, “universal” data structure, that is not dedicated to

a particular proprietary application, by connecting to the application via any number of standard interfaces to gain access to the applications data and puts the data in a generic or universal data format to generate data packets for provision to the storage server”, are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). What is claimed is, “a device engine including an application object for mapping the digital media into a temporary data structure”, (please see amended claim 27). The limitations, “a device engine including an application object for mapping the digital media into a temporary data structure”, has been newly added, which is addressed by the new ground(s) of rejection (please refer to the below rejections of this office action). Therefore, the rejection is maintained.

***Election/Restrictions***

3. Applicant's election without traverse of Group I invention, i.e., claims 1-10, 27-33 and 38 in the reply filed on 11/15/2004 is acknowledged. (Note: Dependent claim 38 has been newly added). Applicant is requested to cancel the claims 11-26 and 34-37 of the non-elected inventions.

***Drawings***

4. The submission of corrected drawings dated 11/15/2004, has been acknowledged.

***Response to Amendment***

5. The amendment to the specification at pages 1, 24 and abstract, dated 11/15/2004, has been acknowledged.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-3 and 5-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Hertzog et al. US 2003/0069874 A1, April 10, 2003 (Hereinafter Hertzog).

8. As per claim 1, Hertzog clearly teaches a method (e.g., col., 3, paragraph 46) for transferring digital media between a plurality of network coupled devices (e.g., a system to synchronize personal information including digital photograph information, among network connected devices, figure 1, abstract), comprising:

maintaining a personal information space identified with a user including media data (e.g., server farm containing personal information including digital photograph information, figure 1, abstract), the personal information space being coupled to a network (e.g., server farm containing servers connected to the network, figure 1);

transferring at least a portion of the media data from the personal information space to the network coupled apparatus in a differencing transaction in response to a user request (e.g., use of

PDA by a user to synchronize digital multimedia data with personal information contained in the server of the server farm, col., 3, paragraphs 42 – 49).

9. As per claim 2, Hertzog discloses the claimed limitations as rejected above. Hertzog also teaches the following:

the step, prior to step (a), of receiving information into the personal information space (e.g., receiving of digital multimedia data for synchronization, figure 1, col., 3, paragraphs 42 – 49).

10. As per claim 3, Hertzog discloses the claimed limitations as rejected above. Hertzog also teaches the following:

the step of receiving comprises receiving data from a first network coupled apparatus (e.g., receiving data from a desired network connected device, figure 1, col., 3, paragraphs 42 – 49), and said step (b) includes transferring said media data to a second network coupled apparatus (e.g., transferring of digital multimedia data to a user desired network connected device, figure 1, col., 3, paragraphs 42 – 49).

11. As per claim 5, Hertzog discloses the claimed limitations as rejected above. Hertzog also teaches the following:

step (b) comprises transferring said at least a portion of media data in the form of a plurality of differencing transactions (e.g., synchronization performed for multimedia data using multiple sequencing transactions, figure 1, col., 3, paragraphs 42 – 49).

12. As per claim 6, Herzog discloses the claimed limitations as rejected above. Herzog also teaches the following:

the media data comprises a directory of digital media files (e.g., list of multimedia files, figure 1, col., 3, paragraphs 42 – 49).

13. As per claim 7, Herzog discloses the claimed limitations as rejected above. Herzog also teaches the following:

said step (a) comprises providing a storage server having a network connection (e.g., a server of server farm connected to the internet, figure 1), and code on the storage server interacting with the personal information space (e.g., service module, col., 3, paragraphs 42 – 49); and the method further includes the step, prior to said step (b), of:

generating at least a first differencing transaction comprising at least a portion of said media data to be transferred in said step (b) (e.g., synchronization performed for multimedia data using multiple sequencing transactions, figure 1, col., 3, paragraphs 42 – 49).

14. As per claim 8, Herzog discloses the claimed limitations as rejected above. Herzog also teaches the following:

(c) providing code on a network-coupled apparatus which receives said at least portion of the media data and stores the media data on the network-coupled apparatus (e.g., client using PDA, etc devices, figure 1, col., 3, paragraphs 42 – 49).

15. As per claim 9, Herzog discloses the claimed limitations as rejected above. Herzog also teaches the following:

instantiating code on a network-coupled server storing said personal information space to output the media data to the network-coupled apparatus (e.g., use of service module to provide digital multimedia data to the client, figure 1, col., 3, paragraphs 42 – 49).

16. As per claim 10, Herzog discloses the claimed limitations as rejected above. Herzog also teaches the following:

instantiating code on the network-coupled apparatus to retrieve the media data (e.g., use of service module to provide digital multimedia data to the client, figure 1, col., 3, paragraphs 42 – 49).

### ***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 4 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herzog in view of “Official Notice”.

19. As per claims 4 and 38, Herzog discloses the claimed limitations as rejected under claim 1. Herzog also teaches the step, following step (a), of identifying the private information space

associated with the user by prompting a user login from the computer and retrieving login information input by the user (e.g., use of authentication mechanism, col., 5, paragraph 64).

However, Herzog does not specifically mention about the computer being automotive.

“Official Notice” is taken that both the concept and advantages of providing usage of automotive computer is well known and expected in the art. For example, Reams, 5,907,793 discloses the well-known concept of automotive computer usage, col., 14, lines 15 – 34.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include usage of automotive computer with the teachings of Herzog in order to facilitate processing using automotive computer because it the automotive computer would provide support to the user for accessing software on the computer. The software on the computer would help process information for the user.

20. Claims 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herzog in view of Ludwig et al., 6,437,818 (Hereinafter Ludwig) and Cantin et al., 5,729,739 (Hereinafter Cantin).

21. As per claim 27, Herzog clearly teaches a system (e.g., col., 3, paragraph 46) for transferring digital media between a plurality of network coupled devices (e.g., a system to synchronize personal information including digital photograph information, among network connected devices, figure 1, abstract), comprising:

a personal information store containing digital multimedia data (e.g., server farm containing server with user specific digital photograph information, col., 3, paragraphs 42 – 49),

a data transfer request initiator coupled to the personal information store (e.g., service module to handle user specific information, col., 3, paragraphs 42 – 49), and a device engine operatively coupled to the data transfer request initiator and responsive to the initiator to transfer digital media between the store and one of said plurality of network coupled devices (e.g., service module, synchronization engine responsible for synchronizing information maintained in the local database with information maintained on a remote database accessible via the network, col., 3, paragraph 46), the device including software (e.g., col., 3, paragraph 46).

However, Hertzog does not specifically mention about an application object for mapping the digital media into data storage.

Ludwig discloses the well-known concept of an application object for mapping the digital media into data storage (e.g., col., 31, lines 5 – 34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teachings of Hertzog with the teachings of Ludwig in order to facilitate an application object for mapping the digital media into data storage because the mapping would help provide synchronize information. Handling the information would provide support to the user for accessing software on the computer.

Hertzog and Ludwig do not specifically mention about storage being temporary data structure.

Cantin discloses the well-known concept of storage being temporary data structure (e.g., col., 4, lines 31 - 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teachings of Hertzog and Ludwig with the teachings of Cantin in order to facilitate usage of temporary data structure because the data structure would help store temporary information. The data structure would help handle the information that provides support to the user for accessing software on the computer. The software on the computer would help process information for the user.

22. As per claim 28, Hertzog and Ludwig teach the claimed limitations as rejected above.

Hertzog also discloses the personal information store is provided on a server (e.g., server of server farm, figure 1).

23. As per claim 29, Hertzog and Ludwig teach the claimed limitations as rejected above.

Hertzog also discloses the server is coupled to the Internet (e.g., server connected to internet, col., 1, paragraph 2).

24. As per claim 30, Hertzog and Ludwig teach the claimed limitations as rejected above.

Hertzog also discloses the server includes at least a portion of the device engine (e.g., service module of server, figure 1, col., 3, paragraphs 42 – 49).

25. As per claim 31, Hertzog and Ludwig teach the claimed limitations as rejected above.

Hertzog also discloses the device engine is provided on a server which includes at least a portion

of the personal information store (e.g., service module of server of the server farm, figure 1, col., 3, paragraphs 42 – 49).

26. As per claim 32, Herzog and Ludwig teach the claimed limitations as rejected above. Herzog also discloses the data transfer request initiator is provided on said at least one of said plurality of network-coupled devices and comprises code on said one of said plurality of network-coupled devices to operatively engage the device engine to transfer digital media between the store and the one of the plurality of network-coupled devices (e.g., service module of server of the server farm and service module of client device to synchronize digital multimedia data among personal information spaces, figure 1, col., 3, paragraphs 42 – 49).

***Conclusion***

27. The prior art made of record (forms PTO-892 and applicant provided IDS cited arts) and not relied upon is considered pertinent to applicant's disclosure.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

June 24, 2005

  
JOHN FOLLANSBEE  
SUPPLYING PATENT EXAMINER  
TECHNOLOGY CENTER 2100